GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – CT Department - Surprise Check conducted over the Integrated Check Post, Purushothtapuram, Itchapuram Mandal, Srikakulam District on 09.01.2017 – Certain irregularities noticed – Common Disciplinary Proceedings initiated – Articles of charges against Sri Adapaka Pothayya, Office Subordinate, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.376 **Dated:26.05.2022**

Read:-

G.O.Ms.No.405, Revenue (Vig.II) Dept, dated:26.05.2022.

*****

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the G.O. read above, it is proposed to hold an enquiry against Sri Adapaka Pothayya, Office Subordinate, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District in accordance with the procedure laid down in Rule 20 of the said rules.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Adapaka Pothayya, Office Subordinate, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is directed to submit his written statement of his defense, within seven days of the receipt of this order.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Adapaka Pothayya, Office Subordinate, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is further informed that if he does not submit this written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders /directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Adapaka Pothayya, Office Subordinate, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made a this instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.GULZAR
SECRETARY TO GOVERNMENT (CT)

To
Sri Adapaka Pothayya, Office Subordinate, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) **through** the Chief Commissioner of State Tax, AP, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government).

Copy to
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI ADAPAKA POTHAYYA, JUNIOR ASSISTANT, COMMERCIAL TAX DEPARTMENT, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM, SRIKAKULAM DISTRICT IN SC.NO.01/SC-ACB/SKL/2017 OF ACB, SRIKAKULAM RANGE.

Sri Adapaka Pothayya S/o late Ramayya worked as in the cadre of junior assistant at Integrated Check Post, Purushottapuram, Itchapuram, Srikakulam District on the date of surrise check.He joined in Government Service on 02.07.1999 as Office Subordinate in the O/o the DCTO, Kasibugga, Srikakulam District and while working as in the cadre of junior assistant at integrated check post, he committed the following grave mis-conduct in as much as

CHARGE :-

That Sri Adapaka Pothayya S/o late Ramayya, while working as Junior assistant at Integrated Check Post, Purushottapuram along with other staff and officials were collecting bribe from the crew members of goods vehicles directly and indirectly through the private persons. On the date of surprise check 08 private persons were caught and an amount of Rs.31,900/- was seized from them. It is also observed during the surprise check proceedings that, the drivers and cleaners of the vehicles are giving the amounts ranging from Rs.300/- to Rs.500/- at the counters along with the papers for stamping and when the said amount was collected from 05.00 AM to 06.00 AM on 09.01.2017 was to Rs.33,100/-. Out of Rs.33,100/-, Rs.24,800/- was collected at the counter No.1 (incoming and outgoing counter) and Rs.7,200/- at the counter No.2 (Entry and Exit Transit Pass Counter) of Commercial tax department. Cash of Rs.1,100/- was collected at the Agricultural Market Committee counter.

Thus the Govt. Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. Servant and thereby contravened Rule 3(1) & (2) of APCS (Conduct) Rules, 1964.

N.GULZAR
SECRETARY TO GOVERNMENT (CT)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI ADAPAKA POTHAYYA, JUNIOR ASSISTANT, COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM, SRIKAKULAM DISTRICT IN SC.NO.01/SC-ACB/SKL/2017 OF ACB, SRIKAKULAM RANGE.

Sri Adapaka Pothayya S/o late Ramayya worked as in the cadre of junior assistant at Integrated Check Post, Purushottapuram, Itchapuram, Srikakulam District on the date of surprise check. His date of birth is 10.03.1965. He joined in Government Service on 02.07.1999 as Office Subordinate in the O/o the DCTO, Kasibugga, Srikakulam District. He is drawing basic pay of Rs.28,200/- and he is attaining superannuation on 30.09.2025 and while working as in the cadre of junior assistant at integrated check post, he committed the following grave mis-conduct in as much as. (He is here-in-after called as Government Servant).

CHARGE :-

That Sri Adapaka Pothayya S/o late Ramayya while working as junior assistant at Integrated Check Post, Purushottapuram along with other staff and officials were collecting bribe from the crew members of goods vehicles directly and indirectly through the private persons. On the date of surprise check 08 private persons were caught and an amount of Rs.31,900/- was seized from them. It is also observed during the surprise check proceedings that, the drivers and cleaners of the vehicles are giving the amounts ranging from Rs.300/- to Rs.500/- at the counters along with the papers for stamping and when the said amount was collected from 05.00 AM to 06.00 AM on 09.01.2017 was to Rs.33,100/-. Out of Rs.33,100/-, Rs.24,800/- was collected at the counter No 1 (incoming and outgoing counter) and Rs.7,200/- at the counter No.2 (Entry and Exit Transit Pass Counter) of Commercial tax department cash of Rs.1,100/- was collected at the Agricultural Market Committee counter.

FACTS AND EVIDENCE:-

On credible information that the employees of Integrated Check Post, Purushottapuram, Ichapuram, Srikakulam District were indulging in corrupt practices habitually by collecting illegal gratification directly and also through private persons by abusing their official position, from the crew of goods vehicles, passing through the check post, without conducting physical verification of the vehicles, connected records of the goods being transported in the vehicles and thereby gaining pecuniary advantage for themselves and causing pecuniary loss to the Govt. exchequer, the officials of the ACB, Srikakulam Range conducted a surprise check on the integrated check post, Purushottapuram, Itchapuram, Srikakulam on 09.01.2017 from 04.30 AM to 02.00 PM in the presence of the official mediators.

During the proceedings, the surprise check party took control of eight private persons i.e., Sri Danapana Giri, S/o Bhagareddi, Sri Danapana Jagga Rao, S/o Parasaramulu and Sri Anapana Saradhi, S/o Danayya who were found present at the Incoming and Outgoing counter of Commercial Taxes Dept. Sri. Pappala Krishna Murthy, S/o Balaraju and Sri Danapana Lakkoji Reddy, S/o late Dumburu who were found present at the T.P. Counter, and Sri. Kota Ashok Kumar, S/o Janardhan and Sri Ashish Rowlo, S/o Dileep Rowlo who were found present at the counter of Transport Department and Sri Ratnala Kamal, S/o Duryodhana who was found present at the Agricultural Market Committee counter,and on physical verification of the eight private persons, an amount of Rs.6,300/-, Rs.5,400/-, Rs.4,600/-, Rs.2,300/-, Rs.2,500/-, Rs.2,800/- Rs.4,400/- and Rs.3,600/- found in their possession respectively, total an amount of Rs.31,900/- was seized from their possession in the presence of the mediators.

During the surprise check, the DSP questioned about their presence and possession of cash, they stated that they were engaged by the officials of Commercial Taxes Dept to collect illegal amount from the crew of the goods

Contd.,2

vehicles who are passing through the check post for stamping their records and for issuing transit passes etc. without physically verifying the vehicles and goods being transported. They collect the bribe amounts from crew of good vehicles @ Rs.300/- to Rs.400/- on behalf of the officials of commercials taxes department. They take Rs.10/- of the collected bribe amount and handover the remaining amounts to the officials and staff of the check post. In turn, the staff members of the check post stamping the vehicular records in a routine manner without physical verification of the vehicles and without scrutinizing the records of the vehicles. They also stated that many private agents were working on behalf of the officials of the check post for collection of bribe amounts and lot of those private agents ran away when the ACB officials of ACB entered into the check pot premises. They did not know the details of the other private agents. The drivers/cleaners who are passing through the check post were examined and they corroborated with the version of the private agents. The written statements were recorded in the presence of the mediators for the purpose of further enquiry.

During the course of proceedings, the DSP, ACB deployed his staff to sit along with the check post officials in the respective counters to watch the happenings in the counters and on while observation it is observed that the staff of the check post were vetting stamps without verifying the records of vehicle and goods and the drivers/crew members who were coming for stamping of their documents and gave bribes/mamools ranging from Rs.300/- to Rs.500/- at Commercial Taxes Dept. counter and Rs.10/- at Agrl. Market Committee counter. On counting an amount of Rs.24,800/- and Rs.7,200/- was collected at the counters of incoming & outgoing counter and Entry and Exit pass counter of Commercial Tax Dept and an amount of Rs.1,100/- was collected from the counter of Agrl. Market Committee from 5 AM to 6.00 AM on the day and the said amount was seized by the DSP for their enquiry.

During the proceedings, the following persons were randomly secured and examined and on examination they categorically stated that it has been a regular process for them at the time of stamping they simply bring their bills, invoices, way bill, delivery challans and loading passes to the counters and pay the bribes ranging from Rs.300/- to Rs.500/-to the staff of the check post or their private persons, the staff which department affix the stamp on the way bills of their vehicle without physically verifying the goods being transported in the vehicles and records of the vehicles.

1) Sri Ponnaganti Suresh Kumar S/o Raghunadham, 28 Yrs, Kedarapuram village, Itchapuram Mandal, Srikakulam District. Driver of Lorry No AP31 TA 3904
2) Sri Tandyala Bhujanga Rao S/o Simhachalam, 25 Yrs, Atchutapuram Village, Jalumuru Mandal, Srikakulam Dist, Driver of Lorry No AP31 TB 6843
3) Sri Simma Govinda S/o Satyam, 28 Yrs, Door No.32-1-18/1, Natayyapalem, Gajuwaka, Visakhapatnam. N/o pedaperumali, Gantyada Mandal, Vizianagaram District. Driver of Lorry No AP31 TA 8499
4) Sri Vemula Durga Rao S/o Srinivasa Rao, 27 Yrs, Billapu Village, Gudiwada Mandal, Srikakulam Dist, Cleaner of Lorry No AP16 TV 5289
5) Sri S.Veeramani S/o Sugumar, 38 Yrs, Mangalapuram Village, Rasipuram Taluk, Namakkal Dist, Tamilnadu, Driver of Lorry No TN88 2577
6) Sri E.Kumareswar S/o Ekambaram, R/o Door No 110C-1-3, Mangalapuram Village, Rasipuram Taluk, Namakkal Dist, Tamilnadu, Driver of Lorry No TN34 K 6296.

During the proceedings, DSP, ACB seized the duty register maintained from 01.01.201 to 08.01.2017 written upto page No.29 and attendance register duly obtaining the signatures of the mediators.

The Check post officials are supposed to check records of each and every vehicle and goods being carried in the said vehicles as per way bills passing through the check post and find out whether there any violations committed by the crew under the different acts/rules and collect the tax dues and fine amounts, licensing

Contd.,3

and market fee accordingly if any deviations found so but the check post officials were allowing the vehicles to pass through the check post without verifying the goods being carried in the vehicles and they found collecting bribes to over took violations and thereby causing huge loss to the Govt., exchequer and pecuniary gain to themselves.

According to the Memo No. 101/SPL.B/2000-4, dt.17.04.2001 of the General Administration (Special-B) Department clearly stipulates that "No Manual or any procedure has prescribed to engage a private person to perform certain official duties during the course of departmental activity". It is also made clear that as per the Circular Memo No 19/11718N1/2004 Dt 26.10.2004, Circular Memo No 2/6536N3/2004 Dt 10.11.2004, G.O.Ms.No.178 dt 08.10.2002, Circular No 261/16268N3/05 ,Dt 26.07.2006, Circular No 9/15153N3/1998 Dt 15.02.2007 and Circular Memo No 5/10911N3/2011 Dt 17.08.2011 of the Transport Commissioner, A.P, Hyderabad is that if any private persons are found in the premises of the check post it is deemed that such person in the check post to collect bribes on behalf of the staff of the check post and even the employment of private persons without authorization is not permissible.

The evidence on record is sufficient to prove the Government servant abusing his official position and habitually indulging in corrupt practices by collecting bribes from the crew members of the goods vehicles directly and also indirectly through private persons.

Thus the Govt. Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. Servant and thereby contravened Rule 3(1) & (2) of APCS (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

Hence the charge.

N.GULZAR
SECRETARY TO GOVERNMENT (CT)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI ADAPAKA POTHAYYA, JUNIOR ASSISTANT, COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM, SRIKAKULAM DISTRICT IN SC.NO.01/SC-ACB/SKL/2017 OF ACB, SRIKAKULAM RANGE ARE PROPOSED TO BE SUSTAINED.

1	Original mediators report dated on 09.01-2017 from 4.30 AM to 02.00 PM drafted at ICP, Purushottapuram, Itchapuram.
2	Attendances register.
3	Duty Register maintained from 01.01.2017 to 08.01.2017 of integrated check post.
4	Statement of Sri Danapana Giri, S/o Bhagareddi, 27 Yrs, Reddika Caste, Purushottauram Colony, Itchapuram, Srikakulam dist.
5	Statement of Sri Danapana Jagga Rao, S/o Parasaramulu, 42 Yrs, Reddika Caste, Purushottauram Colony, Itchapuram, Srikakulam dist.
6	Statement of Sri Anapana Saradhi, S/o Danayya, 31 Yrs, Reddika Caste, Purushottauram Colony, Itchapuram, Srikakulam dist.
7	Statement of Sri. Pappala Krishna Murthy, S/o Balaraju, 42 Yrs, Reddika Caste, Chinna Veedhi, Purushottauram Colony, Itchapuram, Srikakulam dist.
8	Statement of Sri Danapana Lakkoji Reddy, S/o late Dumburu, 49 Yrs, Reddika Caste, House No 1-2-81, Purushottauram Colony, Itchapuram, Srikakulam dist.
9	Statement of Sri Kota Ashok Kumar, S/o Janardhan, 20 Yrs, Yadava by Caste, R/o Colony Veedhi, Devilimaddili, Mandapalli Post, Itchapuram, Srikakulam dist.
10	Statement of Sri Ashish Rowlo, S/o Dileep Rowlo, 21 Yrs, Rowlo Caste, R/o Kedaripuram Village, Itchapuram Mandal, Srikakulam dist.
11	Statement of Sri Ratnala Kamal, S/o Duryodhana, 22 Yrs, Sondi Caste, R/o A.S.Peta, Itchapuram Mandal, Srikakulam dist.
12	Statement of Sri Ponnaganti Suresh Kumar, S/o Raghunadham, age 28 years, Kedarapuram village, Ichapuram mandal, Srikakulam District. Phone: 9776006437. Driver of lorry No. AP 31 TA 3904.
13	Statement of Sri Tandyala Bhujanga Rao, S/o Simhachalam, age 25 years, Atchutapuram village, Jalumuru mandal, Srikakulam District. Phone: 9966269813. Driver of lorry No. AP 31 TB 6843.
14	Statement of Sri Simma Govinda, S/o Satyam, age 28 years, Door NO. 32-1-18/1, Natayyapalem, Gajuwaka, Visakhapatnam. N/o Pedaperumali, Gantyada mandal, Vizianagaram District. Phone: 8886559763. Driver of lorry No. AP 31 TA 8499.
15	Statement of Sri Vemula Durga Rao, S/o Srinivasa Rao, age 27 years, Billapu village, Gudiwada mandal, Srikakulam District. Phone: 8280928209. Cleaner of lorry N. AP 16 TV 5289.
16	Statement of Sri S. Veeramani, S/o Sugumar, age 38 years, Mangalapuram village, Rasipuram Taluk, Namakkal District, Tamilnaidu. Phone: 8695024377. Driver of lorry No. TN 88 2577
17	Statement of Sri E. Kumareswar, S/o Ekambaram, R/o Dor No. 110C-1-3, Mangalapuram village, Rasipuram Taluk, Namakkal District, Tamilnaidu. Phone: 8144446979/9443262885. Driver of lorry No. TN 34 K 6296.
18	Duty chart of the employees of integrated check post for the month of January, 2017.
19	Any other document as required will be produced later.

N.GULZAR
SECRETARY TO GOVERNMENT (CT)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI ADAPAKA POTHAYYA, JUNIOR ASSISTANT, COMMERCIAL TAX OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM, SRIKAKULAM DISTRICT IN SC.NO.01/SC-ACB/SKL/2017 OF ACB, SRIKAKULAM RANGE ARE PROPOSED TO BE SUSTAINED.

1	Sri Mulaga Muralidhara Rao, S/o Narasinga Rao, age 49 years, Dy. District Extension and Media Officer, O/o the Dist. Medical & Health Officer, Srikakulam. R/o Plot No. 214, Jai Santhoshimatha Nilayam, Khalighat Colony, Cantonment, Vizianagaram.
2	Sri Vishnubhatla Venugopala Rao, S/o late Sanyasi Naidu, age 40 years, Typist, O/o District Medical & Health Officer, Srikakulam. R/o Chinnapondara Street, 1st Ward, Balaga, Srikakulam.
3	Sri Pappu Srinivaasa Rao, S/o P.B.Kalidas, 52 Yrs, Asst Executive Engineer, section-I of R&B special Sub Division, srikakulam, R/o door No 45-58-5/14(1), Narasimhanagar, Visakhapatnam.
4	Sri Munasa Suresh Kumar S/o Pyda RAa, 30 Yrs, Senior Asst, O/o Dy.Exe. Engineer, R&B Sub Division, Palakonda R/o Door No 20-94-10, Town Kotha Road, Visakhapatnam.
5	Sri Danapana Giri, S/o Bhagareddi, 27 Yrs, Reddika Caste, Purushottauram Colony, Itchapuram, Srikakulam dist.
6	Sri Danapana Jagga Rao, S/o Parasaramulu, 42 Yrs, Reddika Caste, Purushottauram Colony, Itchapuram, Srikakulam dist.
7	Sri Anapana Saradhi, S/o Danayya, 31 Yrs, Reddika Caste, Purushottauram Colony, Itchapuram, Srikakulam dist.
8	Sri Pappala Krishna Murthy, S/o Balaraju, 42 Yrs, Reddika Caste, Chinna Veedhi, Purushottauram Colony, Itchapuram, Srikakulam dist.
9	Sri Danapana Lakkoji Reddy, S/o late Dumburu, 49 Yrs, Reddika Caste, House No 1-2-81, Purushottauram Colony, Itchapuram, Srikakulam dist.
10	Sri Kota Ashok Kumar, S/o Janardhan, 20 Yrs, Yadava by Caste, R/o Colony Veedhi, Devilimaddili, Mandapalli Post, Itchapuram, Srikakulam dist.
11	Sri Ashish Rowlo, S/o Dileep Rowlo, 21 Yrs, Rowlo Caste, R/o Kedaripuram Village, Itchapuram Mandal, Srikakulam dist.
12	Sri Ratnala Kamal, S/o Duryodhana, 22 Yrs, Sondi Caste, R/o A.S.Peta, Itchapuram Mandal,Srikakulam dist.
13	Sri Ponnaganti Suresh Kumar, S/o Raghunadham, age 28 years, Kedarapuram village, Ichapuram mandal, Srikakulam District. Phone: 9776006437. Driver of lorry No. AP 31 TA 3904.
14	Sri Tandyala Bhujanga Rao, S/o Simhachalam, age 25 years, Atchutapuram village, Jalumuru mandal, Srikakulam District. Phone: 9966269813. Driver of lorry No. AP 31 TB 6843.
15	Sri Simma Govinda, S/o Satyam, age 28 years, Door No. 32-1-18/1, Natayyapalem, Gajuwaka, Visakhapatnam. N/o Pedaperumali, Gantyada mandal, Vizianagaram District. Phone: 8886559763. Driver of lorry No. AP 31 TA 8499.
16	Sri Vemula Durga Rao, S/o Srinivasa Rao, age 27 years, Billapu village, Gudiwada mandal, Srikakulam District. Phone: 8280928209. Cleaner of lorry N. AP 16 TV 5289.
17	Sri S.Veeramani, S/o Sugumar, age 38 years, Mangalapuram village, Rasipuram Taluk, Namakkal District, Tamilnaidu. Phone: 8695024377. Driver of lorry No. TN 88 2577
18	Sri E. Kumareswar, S/o Ekambaram, R/o Dor No. 110C-1-3, Mangalapuram village, Rasipuram Taluk, Namakkal District, Tamilnaidu. Phone: 8144446979/ 9443262885. Driver of lorry No. TN 34 K 6296.
19	Sri K.Rajendra Rao, Deputy Superintendent of Police, ACB, Srikakulam Range.
20	Sri P.Srinivas Rao, Inspector of police, ACB, Srikakulam Range.

N.GULZAR
SECRETARY TO GOVERNMENT (CT)

//FORWARDED:: BY ORDER//

SECTION OFFICER